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UNITED STATES DISCTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Case No.: '08 MJ 0671
v.	)	COMPLAINT FOR VIOLATION OF
Moises CRUZ-Lopez Defendant.	)	Title 8, U.S.C., Section 1324(a)(2)(B)(ii)- Bringing in Illegal Alien(s) for Financial Gain

The undersigned complainant being duly sworn states:

On or about **March 4, 2008**, within the Southern District of California, defendant **Moises CRUZ-Lopez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Jose Candelario ALVARADO-Mendoza**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF **March, 2008**.

UNITED STATES MAGISTRATE JUDGE
CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Jose Candelario ALVARADO-Mendoza** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 4, 2008 at approximately 0850 hours, **Moises CRUZ-Lopez (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver of a 1992 Ford Taurus. Accompanying Defendant as passengers were two males who were later identified as Jose Candelario ALVARADO-Mendoza who presented a DSP-150 Laser Visa Card bearing the name of Giovanni Rocha Galaviz and Rolando MEDINA-Nunez who presented a Resident Alien Card bearing the name of Miguel Jauregui. A Customs and Border Protection Officer received two negative declarations from the defendant. Defendant presented a DSP-150 Laser Visa Card bearing the name of Luis Manuel Garcia Castillo as his entry document. Defendant stated he was going to San Ysidro, California. The officer suspected Defendant and the passengers were impostors to the documents presented. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, Defendant and the passengers admitted to their true identity and citizenship. Defendant and the passengers admitted they are citizens of Mexico without entitlements to enter, pass through, or reside in the United States. The male passenger identified as **Jose Candelario ALVARADO-Mendoza (MW)** was retained as a Material Witness.

During a videotape proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted he had knowledge that the two passengers were undocumented aliens. Defendant admitted he paid a total of $450.00 USD for the vehicle and document he used to attempt to cross into the United States. Defendant stated he was going to Ramona or Los Angeles, California to seek employment.

On a separate videotape interview, Material Witness declared he is a citizen of Mexico without legal rights to enter the United States. Material Witness stated that he made arrangements with an unknown person and was going to pay $2,500.00 USD to be smuggled into the United States. Material Witness stated he was going to Los Angeles, California to seek employment.